

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 1618/1997

This the 17th day of July, 1997.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI N. SAHU, MEMBER (A)

Khem Chand S/O Hira Lal,  
R/O House No.130-A, Rampura,  
Delhi-110035.  
employed as Mate in Delhi Milk Scheme,  
West Patel Nagar,  
New Delhi-110008.

... Applicant

( By Shri S. N. Shukla, Advocate )

- Versus -

The General Manager,  
Delhi Milk Scheme,  
West Patel Nagar,  
New Delhi-110008.

... Respondent

O R D E R (ORAL)

Shri Justice K. M. Agarwal,

Heard the learned counsel for the applicant on admission.

It appears that the applicant was given compulsory retirement by order dated 4.3.1982, which was set aside by appellate order dated 26.5.1988. He thereafter joined his duty on 30.5.1988. In pursuance of the directions made by this Tribunal in O.A. No. 1128/89 on 27.5.1994, re-fixation of pay was made by the department, as indicated in part 1 of office order No.63 of 1995 dated 13.12.1995. According to this order, the pay fixed as on 1.1.1986 in the revised scale of Rs.750-940 was at Rs.846/-. The 5th and 6th columns of the table in the said order pertaining to the date of next increment in the revised scale and

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that of pay on the date of next increment were left blank although the note appended at the foot of the said schedule indicated that "the next date of increment shall accordingly be granted to the above officials on the dates indicated in Col. 5 of the above table." 3

By another order dated 13.12.1995, Annexure A-8, the basic pay of Rs.858/- as on 1.1.1990 was refixed at Rs.860/- with effect from 1.1.1990 in the revised pay scale of Rs.800-1150. The learned counsel says that there is no dispute in regard to the pay scale. The dispute according to him is in regard to denial of increments for the period during which the applicant was put under compulsory retirement which was ultimately quashed on 26.5.1988.

In O.A. No. 1128/89, decided on 27.5.1994, the following directions were given :-

"7. To summarise, therefore, we uphold the penalty contained in impugned order dated 26.5.88 but quash and set aside that portion of the order which directs that the period from 4.3.82 to 30.5.88 be treated as dies-non and direct that this period be regularised by granting the applicant such leave as is due to him, and treating the remaining period as extra-ordinary leave without pay."

The operative part of the Tribunal's order is silent as to the entitlement of the applicant for increment etc. for the period between 4.3.1982 and 30.5.1988, but in the preceding paragraph it was indicated that the respondents were to count the said

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period between 4.3.1982 and 30.5.1988 towards seniority, pensionary benefits as well as increments, subject to the penalty imposed in the appellate order dated 26.5.1988. According to the learned counsel, the respondents have not considered the increments which were due during the said period of his absence from service due to the operation of the order of compulsory retirement against him.

We are of the view that this matter may be agitated before the respondents by filing a representation giving full details of the claim and the mistakes committed by the respondents at the time of re-fixation of his pay, and we do hope that if such a representation is made and some mistake is detected the same shall be corrected, and that if the re-fixation has been correctly made the same will be explained by a speaking order while disposing of such representation. Accordingly, we dispose of this application at the admission stage itself with liberty to the applicant to file representation before the appropriate authority within a period of one month from today and if it is so filed, the same shall be disposed of by the respondents as expeditiously as possible, preferably within a period of three months from the date of such representation.

The learned counsel submitted that already a representation has been filed which is pending, but we direct that a fresh representation be made making his *Jan* claim crystal clear and with necessary details about

the mistakes committed by the department while making  
refixation of his pay. We, therefore, dispose of this  
application at the admission stage itself with the  
observations and directions hereinbefore given in the  
preceding paragraph.

*KM*

( K. M. Agarwal )  
Chairman

*N. Sahu*

( N. Sahu )  
Member(A)

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